

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Monte Maurice Griffin,
Petitioner,
vs.
Bureau of Prisons,
Respondent.

Civil Action No. 0:19-cv-642-CMC

OPINION AND ORDER

This matter is before the court on Petitioner's Petition for Writ of Mandamus, in which he requests the court order the Federal Bureau of Prisons ("BOP") to immediately implement the good time credit increase in the First Step Act. ECF No. 1. Petitioner also filed a Petition for Writ of Habeas Corpus, requesting the same relief. ECF No. 6. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(E), D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On May 13, 2019, the Magistrate Judge issued a Report recommending this matter be dismissed without prejudice and without issuance and service of process. ECF No. 12. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Petitioner has not filed objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made

by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusion of the Report the Petition for Writ of Mandamus should be dismissed without prejudice and without issuance and service of process, and the Petition for Writ of Habeas Corpus should be struck from the docket. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. This action is hereby dismissed without prejudice, and the Clerk of Court is directed to strike the Petition for Writ of Habeas Corpus from the docket.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 6, 2019